

Jeremiah Johnson (CA SBN 227275)  
 Johnson & McDermid, LLP  
 400 Montgomery Street, Suite 680  
 San Francisco, CA 94104  
 Tel 415.276.5803  
 Fax 415.843.0493  
 jeremiah@jmcldlaw.com

Attorneys for Plaintiff Abuzahra

**FILED** (3)  
 2013 FEB -6 A 10:31  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

15

**THE UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA**

KAW

Saber Abuzahra,

Plaintiff,

v.

The United States of America,

U.S. Department of Homeland Security,

U.S. Immigration and Customs  
 Enforcement,

U.S. Immigration and Customs  
 Enforcement Officers 1-15,

G4S Secure Solutions (USA) Inc.,

John DOE,

Defendants.

**C 13 0513**

Case No. \_\_\_\_\_

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

1 On May 25, 2011 U.S. Department of Homeland Security officials restrained Mr.  
2 Abuzahra in shackles for his scheduled appearance at the San Francisco Immigration  
3 Court. While detained, and in shackles, a G4S "transport officer" attacked Mr. Abuzahra  
4 in response to Mr. Abuzahra's request to speak to his attorney. Although ICE Officers  
5 intervened, they failed to provide medical attention after the attack.  
6

7 As a result, Mr. Abuzahra developed injuries including repeated and lasting strong  
8 headaches and physical trauma. His income has suffered. He experiences serious  
9 emotional distress from the attack.  
10

11 The United States has denied responsibility and therefore Mr. Abuzahra appears  
12 before this Court and brings this Complaint for Damages.  
13

#### 14 NATURE OF THE ACTION

15 1. This is a civil action arising out of an attack resulting in the unlawful  
16 assault and battery to Mr. Abuzahra.  
17

18 2. Plaintiff seeks damages under the Federal Torts Claims Act, 28 U.S.C. §§  
19 1346(b), 2671-80, damages for violations of the U.S. Constitution pursuant to Bivens v.  
20 Six Unknown Named Federal Bureau Narcotics, 403 U.S. 388 (1971), damages under  
21 common law for intentional infliction of emotional distress, assault, battery, deprivation  
22 of civil rights through intimidation, and negligence; and an effective remedy under  
23 International Human Rights law.  
24  
25  
26  
27  
28

JURISDICTION

2. This action arises in part under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-80. Therefore, this Court has jurisdiction pursuant to 28 U.S.C. § 1346(b).

3. Pursuant to 28 U.S.C. 2675 the claim set forth herein was presented to U.S. Immigration and Customs Enforcement ("ICE"), Department of Homeland Security ("DHS") on April 14, 2012.

4. On August 7, 2012 ICE denied the claim.

5. This action also arises in part under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, supra. Therefore this Court has jurisdiction pursuant to 18 U.S.C. § 1331.

6. This Court has personal jurisdiction over the Defendants because the incident upon which this action is based took place at DHS's facilities located at 630 Sansome Street, San Francisco, California.

7. This Court also has jurisdiction pursuant to 28 USC § 1332 (diversity) as Mr. Abuzahra is a resident of California and G4S Americas Region headquarters is in Florida.

VENUE

8. Venue is proper in the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1391, 1402(b) because this is a civil action in which the Defendants are either officers of the United States acting in their official

1 capacities or an agency of the United States; because Plaintiff resides in this judicial  
2 district; and because many of the events or omissions giving rise to the claim occurred in  
3 this judicial district.  
4

5  
6 PARTIES

7 PLAINTIFF  
8

9 9. Mr. Saber Abuzahra, a native and citizen of Jordan. On or about September  
10 8, 1994 his status was adjusted to that of a lawful permanent resident under 8 U.S.C. §  
11 1255. His Alien Number is 073 018 323. He currently resides at 498 O'Farrell Street,  
12 San Francisco, California.  
13

14  
15 DEFENDANTS  
16

17 10. Defendant United States of America is a sovereign nation.

18 12. Defendant U.S. Department of Homeland Security is an agency of the  
19 United States of America and is responsible to enforce and administer the nation's  
20 immigration laws.  
21

22 12. Defendant U.S. Immigration And Customs Enforcement is an agency of the  
23 United States of America and manages and oversees the nation's civil immigration  
24 detention system.  
25  
26  
27  
28

14. Defendant G4S Secure Solutions (USA) Inc. is an American security services company and contracts with the United States to detain persons held pursuant to federal immigration laws.

15. Defendant John Doe was an employee of G4S at the time of the incident and acted within the scope of his employment at the time of the incident.

15. Defendant John Doe was an employee of G4S at the time of the incident and acted within the scope of his employment at the time of the incident.

## STATEMENT OF FACTS

16. On May 25, 2011 DHS officials restrained Mr. Abuzahra in shackles for his scheduled appearance at the San Francisco Immigration Court located at 630 Sansome Street, San Francisco, California before Immigration Judge Michael J. Yamaguchi.

17. After his appearance before the Immigration Judge, Mr. Abuzahra was being transported back to a holding facility located on the 6th Floor at 630 Sansome Street, San Francisco.

18. He remained in shackles.

19. Mr. Abuzahra made a request to contact his attorney to the transport officer, John Doe, an unidentified G4S employee.

20. Mr. Abuzahra was not permitted to contact his attorney despite his request.

21. Rather, in response the transport officer physically attacked Mr. Abuzahra.

1           22.    The transport officer slammed Mr. Abuzahra's head against the wall even  
2 though Mr. Abuzahra remained in shackles and posed no threat to the transport officer.

3  
4           23.    Mr. Abuzahra was unable to protect his head from the blows inflicted due  
5 to the nature of the shackles.

6           24.    After the attack Mr. Abuzahra was unable to hold his head in response to  
7 the pain due to the nature of the shackles.

8  
9           25.    Mr. Abuzahra suffered injuries as a result.

10          26.    After the attack, a DHS official rebuked the transport officer.

11          27.    Although Mr. Abuzahra suffered a serious blow to the head, no  
12 professional medical personnel examined Mr. Abuzahra immediately following the  
13 attack.  
14

15          28.    Mr. Abuzahra remained subject to shackles until Mr. Abuzahra was  
16 transported back to the Yuba County Jail located in Marysville, California.  
17

18          29.    It was not until Mr. Abuzahra returned to Yuba County Jail did he receive  
19 medical attention.  
20

21          30.    Unfortunately the medical attention he did receive was not adequate.

22          31.    Mr. Abuzahra continued to receive inadequate medical treatment for a  
23 serious head injury.  
24

25          32.    DHS prepared a report of the incident.  
26  
27  
28

1       33. Mr. Abuzahra was denied a copy of the report and his medical records  
2 despite his request and remained in detention despite his injuries.

3  
4       34. During and after the assault and battery, Mr. Abuzahra suffered physical  
5 trauma, severe anxiety, anger, and depression due to the assault.

6       35. Moreover, the denial of necessary medical treatment caused prolonged and  
7 unnecessary suffering.  
8

9  
10                               CAUSE OF ACTION

11       36. Plaintiff incorporates paragraphs 15-35 herein.

12  
13       37. During the attack, Defendant John Doe committed and is liable for the  
14 tortious acts of assault and battery.

15       38. Given the vulnerable state of Mr. Abuzahra during the attack (i.e.  
16 shackled), Defendant John Doe also committed and is liable for other tortious acts  
17 including the intentional infliction of emotional distress, deprivation of civil rights  
18 through intimidation and negligence.  
19

20       39. Defendant G4S is vicariously liable for the acts of its' employee, Defendant  
21 John Doe.  
22

23       40. Although G4S contracts with the United States the authority to detain, such  
24 authority cannot be exercised without respect to the obligations regarding treatment of  
25 detainees under the U.S. Constitution and International Human Rights law.  
26

43. The denial of medical attention immediately after the attack and the refusal to provide Mr. Abuzahra a copy of the report of the incident is a violation of the Fifth Amendment of the U.S. Constitution; an intentional infliction of emotional distress; a deprivation of civil rights through intimidation; and a violation of International Human Rights law.

**WHEREFORE, Plaintiff prays that this Court:**

- 8

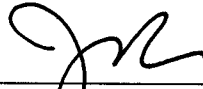


JURY DEMAND

Plaintiff hereby demands a trial by jury.

Dated: 2/6/2013

Respectfully Submitted,



Jeremiah Johnson (CA SBN 227275)  
Johnson & McDermed, LLP  
400 Montgomery Street, Suite 680  
San Francisco, CA 94104  
Tel 415.276.5803  
Fax 415.843.0493  
jeremiah@jmcndlawn.com

Attorneys for Plaintiff